



#3

Attorney Docket No. 1022

## DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am an original inventor and first of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### FAULT TOLERANT OPTICAL AMPLIFIER CONFIGURATION USING PUMP FEEDTHROUGH

the specification of which was filed on January 25, 2002 as Application Serial No. 10/057,666.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a) which states: "A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/263,982	January 25, 2001			

PCT APPLICATIONS DESIGNATING THE U.S.		
PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER ASSIGNED (if any)

I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Daniel N. Daisak, Reg. No. 39,160, John P. Maldjian, Reg. No. 41,967. Please address all correspondence to:

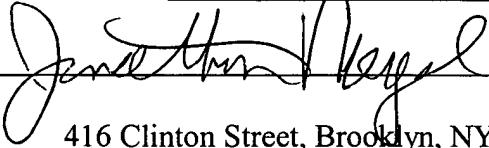
Direct all correspondence to the address:

**Daniel N. Daisak**  
Chief Patent and Trademark Counsel  
Tyco Telecommunications (US) Inc.  
Rm 2B-105, 250 Industrial Way West  
Eatontown, NJ 07724

Please direct telephone calls to Daniel N. Daisak at (732)578-7802.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor: Jonathan A. Nagel

Inventor's signature:  Date: 4-16-02

Residence: 416 Clinton Street, Brooklyn, NY 11231

Citizenship: U.S.A.

Post Office Address: Same as above